

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DIVISION  
ABINGDON DIVISION**

KYMBERLY HOBBS, ADMINISTRATOR  
OF THE ESTATE OF CHARLES JAMES GIVENS,  
DECEASED,

Plaintiff,

Civil Action No.: 1:23-cv-00003

v.

ANTHONY RAYMOND KELLY, et al.,

Defendants.

**PLAINTIFF'S PRETRIAL DISCLOSURES**

COMES NOW Plaintiff Kymberly Hobbs, Administrator of the Estate of Charles James Givens, Deceased, by counsel, and, pursuant to the Court's Rule 16(b) Scheduling Order (ECF Dkt. No. 31, *see also* ECF Dkt. No. 86 (setting the dates of the trial)), and Fed. R. Civ. P. 26(a)(3), herein files her Pretrial Disclosures.

**Witness List**

Plaintiff intends to call the following witnesses in her case-in-chief. (Unless otherwise noted, Plaintiff plans to call the witnesses in-person.)

1. Plaintiff Kymberly Hobbs
2. Ronald Danny West, Jr.
3. Edwin Catron
4. Debbie Douglas
5. Tammy Jones, NP
6. George Berry, Jr.
7. Special Agent Heath Seagle

8. Defendant Anthony Kelly
9. Defendant Joshua Jackson
10. Defendant Gregory Plummer
11. Defendant William Montgomery
12. Defendant Samuel Osborne
13. Defendant Travis Poston
14. Defendant Jeffrey Artrip
15. Brian Lee Harrington
16. Bryan Henley, DO
17. Eli Goodman, MD
18. Jesse Shriki, DO, MS, FACEP
19. William Oliver, MD, MS, MPA
20. Any necessary custodian of records (in the event that adequate stipulations are not reached)
21. Designation of the deposition of any witness unable to attend or outside the jurisdiction of the Court
22. Any witness necessary to authenticate exhibits
23. Any witness necessary for impeachment

The Plaintiff reserves the right to also call as a witness in her case-in-chief any witness designated by Defendants. Plaintiff also reserves the right to modify the foregoing list commensurate with the Court's orders.

**Exhibit List*****Exhibits Plaintiff Expects to Offer***

<b>Exhibit No. ("P._")</b>	<b>Plaintiff's Deposition Exhibit No. (if any)</b>	<b>Bates No. (if any)</b>	<b>Title of Document</b>
1	110		Photo of Givens with his sister
2		HOBBS008575; HOBBS008585; HOBBS008586; HOBBS008587; HOBBS008588; HOBBS008590; HOBBS008591; HOBBS008592; HOBBS008594; HOBBS008595; HOBBS008597; HOBBS008601; HOBBS008603; HOBBS008605; HOBBS008606; HOBBS008607; HOBBS008608	Photos of Givens and his family
3		HOBBS008612- 008619	Psychological Evaluation Report
4		HOBBS008565- 008567	Guardianship Order
5		HOBBS000011	Qualification as Administrator
6			PLACEHOLDER, Audio excerpts from Catron phone calls
7	115		Givens' death scene photos
8	151	MJKP 00317-00325	Givens' death scene photos

9	108	HOBBS000002-000006	Department of Health Report of Autopsy
10	111	2VDOC000064-000110	Death Certificate, Death Notice, Institutional Records File
11	Selected photos were introduced as 112, 166, 176	HOBBS006061-006100	Autopsy Photos of Givens
12		HOBBS005015-005023	Report of Autopsy
13	116	HOBBS006115	Photo of Cell Door 19 with Givens' Face Sheet
14	117		Fall Precaution Sign
15		HOBBS000001	Letter to Kym Hobbs
16	119	2_VDOC_001891-001897	VDOC Facility Bed History
17	66	HOBBS000153	VDOC Interdisciplinary Progress Notes (MCTC 41)
18	66A	HOBBS000155 – 000157	Town of Marion, Marion Fire/EMS Patient Care Record
19	66B	HOBBS004742	Diagram of MCTC Wing
20	66C	HOBBS004797 – 004801	VDOC Health Services Consultation Report; 2B Logbook
21	66D	HOBBS005082 – 005099	VDOC Internal Incident Report
22	66E	SIU000001 – 000013	VDOC Incident Report
23	66F	SIU000903 – 000977	Special Investigations Unit Marion Correctional Treatment Center Incident Report

24	66G	HOBBS000002 – 000008	Department of Health Report of Autopsy
25	67	HOBBS006037-006052	Virginia State Police Investigative Report – File No. 22-2333
26	69	SIU000902 – 000977	Special Investigations Unit Marion Correctional Treatment Center Incident Report
27	73		VDOC Organizational Chart
28	88	2_VDOC_000266-000324	VDOC Memorandum, Report of Investigation – #180213MAR – (FINAL)
29	96	VDOC_002688-002689	Emails with Stephanie Kennedy, Annasue Cook
30	97	VDOC_002913, 2916	VDOC Employee Work Profile Work Description and Performance Plan
31	154	MKJP 00130 - MKJP 00174	VDOC Health Services Consultation Report, 2B Logbooks, handwritten medical notes, P
32	155	MKJP 00193 - MKJP 00212	Virginia State Police Investigative Report – File No. 22-2333
33	156	MKJP 00301- MKJP 00316	VDOC Officer's Log Sheet
34	159	VDOC_002640 - VDOC_002641	2B Logbook
35	157	MKJP 00232- MKJP 00300	VDOC Incident Report
36	150-1		Video of Hallway 02-05-2022, including excerpts
37	125	HOBBS006228	MCTC 2B Main Hall Video Screenshot

			02-05-2022 07:18:22
38	126	HOBBS006228	MCTC 2B Main Hall Video Screenshot 02-05-2022 07:26:25
39	127	HOBBS006228	MCTC 2B Main Hall Video Screenshot 02-05-2022 07:32:41
40	128	HOBBS006228	MCTC 2B Main Hall Video Screenshot 02-05-2022 07:37:34
41	150-2		Photo of Hallway 02-05-2022 07:57:40
42	150-3		Photo of Hallway 02-05-2022 08:02:15
43	150-4		Photo of Hallway 02-05-2022 08:27:19
44	150-5		Photo of Hallway 02-05-2022 08:58:13
45	150-6		Video of Hallway 02-05-2022 09:25:52 - 09:26:28
46	150-7		Photo of Hallway 02-05-2022 09:26:05
47	150-8		Video of Hallway 02-05-2022 09:30:12 - 09:30:59
48	150-9		Video of Hallway 02-05-2022 09:33:44 - 09:34:08
49	150-10		Photo of Hallway 02-05-2022 09:30:47
50	150-11		Photo of Hallway 02-05-2022 09:33:55
51	152	MKJP 00107	Diagram of MCTC wing
52	113		Photo of two showers

53	114		Photo of shower door
54	129		Photo of shower room through doorway
55	130		Photo of Shower Room
56	131		Photo of Doorway
57	132		Photo of storage closet
58	133		Photo of storage closet
59	134		Photo of two showers through doorway
60	135		Photo of two showers
61	136		Photo of locked shower door
62	137		Photo of shower room
63	138		Photo of Mark Krudys holding bucket over shower
64	139		Photo of Mark Krudys measuring from chair to top of shower
65	140		Photo of Mop Closet
66	5	HOBBS004713	VDOC Health Services Complaint and Treatment Form, SISP
67	20A	2_VDOC_000400	Prior DOC Responsibility Period
68	21	HOBBS004258	VDOC Interdisciplinary Progress Notes (MCTC 41)
69	23	HOBBS004257	VDOC Interdisciplinary Progress Notes (MCTC 41)

70	23A	2_VDOC_000399 – 000400	VDOC Officer's Log Sheet
71	24	HOBBS004454	VDOC Interdisciplinary Progress Notes (MCTC 41)
72	28	HOBBS004451	VDOC Interdisciplinary Progress Note
73	60	HOBBS004806	VDOC Physicians Progress Notes (MCTC 36)
74	30	HOBBS000227 – 000230	Office of Health Services Wound Assessment
75	36	2_VDOC_000422 – 000426	Medical Cell Logbook
76	59	HOBBS005047	VDOC Health Services Complaint and Treatment Form, Marion Correctional Treatment Center
77	62	HOBBS005043	VDOC Physicians Progress Notes (MCTC 36)
78	63	HOBBS005043	VDOC Physicians Progress Notes (MCTC 36)
79	64	HOBBS005043	VDOC Physicians Progress Notes (MCTC 36)
80	15	HOBBS003831	VDOC Interdisciplinary Progress Notes (MCTC 41)
81	16	2_VDOC_000579 – 000581	VDOC MCTC Investigations and Intelligence Unit, Institutional Investigative Report
82	16A	2_VDOC_000585	Investigative Interview, Robert Johnson
83	16B	E_VDOC_00024032	Email from Sonja Miller to George Berry

84	19A	E VDOC 00024052	VDOC MCTC Investigations and Intelligence Unit, Institutional Investigative Report
85	19B	E_VDOC_00024030	Emails with Sgt. Brian Davis, George Berry, Mary Fuqua
86	20	HOBBS004259	VDOC Interdisciplinary Progress Notes (MCTC 41)
87	25	HOBBS004452	VDOC Interdisciplinary Progress Notes (MCTC 41)
88	25A	2_VDOC_000371 – 000375	VDOC Incident Report
89	26	2_VDOC_000374	VDOC Internal Incident Report
90	26A	2_VDOC_000410 – 000412	Hospital Record (VDOC Medical Transportation Log)
91	27	HOBBS004440	VDOC Mental Health Services Progress Notes, MCTC
92	27A	HOBBS004445	VDOC Psychiatry Progress Note, MCTC
93	32	HOBBS004733 – 004738	VDOC Report of Investigation – #180213MAR – FINAL
94	32A	HOBBS000423 – 000425	Nurse's Notes, Smyth County Community Hospital
95	32D	2_VDOC_000494 – 000563	VDOC Investigative Report File
96	32F	HOBBS006024-6032	VDOC Report of Investigation – #180268MAR – FINAL
97	32G	2_VDOC_000376 – 000377	VDOC Incident Report
98	32H	2_VDOC_000413 – 000415	MCTC 2B Post Logbook
99	32I	2_VDOC_000366 – 000367	VDOC Internal Incident Report

100	32J	E VDOC 00024035	Email from George Berry to Johnny Acosta
101	33	HOBBS000376	VDOC Consultation Report
102	37	2_VDOC_000381 – 000398	VDOC MCTC Investigations and Intelligence Unit, Institutional Investigative Report
103	37A	2_VDOC_000369 – 000370	VDOC Internal Incident Report
104	38	HOBBS000373 – 000410	General Surgery (Free Text Consult) - Consultation Note
105	38A	E_VDOC_00024033	Email from Gary Lyons to Scott Brown, George Berry
106	43	2_VDOC_000401	VDOC Officer's Log Sheet
107	47	2_VDOC_000464 – 000471	MCTC Medical Cell Logbook
108	47A	2_VDOC_000472 – 000473	MCTC Transportation Logbook
109	47B	HOBBS002543 – 002989	JMH Progressive Care Inpatient Record
110	48	2_VDOC_000564 – 000578	VDOC MCTC Investigations and Intelligence Unit, Institutional Investigative Report
110	48A	2_VDOC_000569	Officer B. Harrington Letter to Lieutenant George Berry
111	48B	2_VDOC_000564 – 000566	VDOC MCTC Investigations and Intelligence Unit, Institutional Investigative Report
112	48C	2_VDOC_000576 – 000578	Photos of Givens' Wounded Knees
113	49	HOBBS000884 – 000970	SCCH Emergency Inpatient Record

114	49A	2 VDOC 000474 – 000475	MCTC 1-B Post Logbook
115	50	HOBBS005056	VDOC Physicians Progress Notes (MCTC 36)
116	51	HOBBS005055 – 005056	VDOC Physicians Progress Notes (MCTC 36)
117	52	2_VDOC_000476 – 000478	MCTC 2-B Post Logbook
118	52A	HOBBS000981-000985	SCCH Emergency Inpatient Record, ED Provider Notes – ED Notes
119	52B	HOBBS000971 – 001053	SCCH Emergency Inpatient Record
120	54	2_VDOC_000564-000578	VDOC MCTC Investigations and Intelligence Unit, Institutional Investigative Report
121	61	HOBBS004805	VDOC Physicians Progress Notes (MCTC 36)
122	65	HOBBS005060 – 005061	VDOC Interdisciplinary Progress Notes (MCTC 41)
123	74	2_VDOC_000369-370	VDOC Internal Incident Report
124	75	2_VDOC_000588	Emails from Brian Davis to George Berry forwarding email from Daniel K. Roland
125	76	2_VDOC_000586	CO Cox written statement
126	83	E_VDOC_00024030	Emails with Mary Fuqua, George H. Berry, Brian Davis,
127	84	E_VDOC_00024032	Email from Sonja S. Miller to George H. Berry
128	86	MCTC00214, 178, 196	Emails with Jennifer Thompson, Ann H. Horst, Corena McGhee, Cynthia Lester, Tammy R. Jones,

			Bridgett Ford, Kimberly Olinger, Jefferey C. Artrip, Chad Lard, VADOC Clinical Coordinator, Mary L. Gilbert, Mark Amonette, Shyam Singaredy
129	35	2_VDOC_000422 – 000426	Medical Cell Logbook
130	35A	E_VDOC_00023551	Emails with Everett Jones, Kimberly Olinger, Terry Richards, Anita E. Call, Bridgett Ford, Tammy R. Jones, William Fields
131	35B	HOBBS000411 – 000413	Nurse's Notes, Smyth County Community Hospital
132	35C	HOBBS000419 – 000421	Physician Documentation, Smyth County Community Hospital
133	40A	E_VDOC_00023596	Emails with Kimberly Olinger, Tammy Jones, Cynthia Lester, James L. Brown, Ann H. Horst, James Lee
134	41A	E_VDOC_00023683	Email from Tammy R. Jones to Mark Larsen, Laura Campbell
135	41B	2_VDOC_000458 – 000459	MCTC Medical Pill Call Logbook
136	41C	HOBBS000432 – 000713	SCCH ICU Inpatient Record
137	41D	2_VDOC_000364	VDOC Internal Incident Report
138	42	2_VDOC_000365	VDOC Internal Incident Report
139	42A	HOBBS005041	Handwritten Medical Notes
140	42B	HOBBS002121 – 002542	JMH Progressive Care Inpatient Record

141	43A	2_VDOC_001830-001841	
142	44	2_VDOC_000460 – 000461	MCTC 1C Post Logbook
143	44A	2 VDOC 000454 – 000455	MCTC Transportation Logbook
144	44B	HOBBS005041	Handwritten Medical Notes
145	47C	HOBBS005041	Handwritten Medical Notes
146	56	2_VDOC_000484 – 000485	Logbook, 1-C B-Break
147	56A	2_VDOC_000486 – 000491 000	MCTC Medical Cell Post Logbook
148	56B	HOBBS005051 – 005052	VDOC Physicians Progress Notes (MCTC 36)
149	56C	HOBBS005082	VDOC Internal Incident Report
150	56D	HOBBS001053 – 001170	SCCH Emergency Inpatient Record
151	56E	HOBBS001065 – 001076	SCCH Emergency Inpatient Record, ED Notes - ED Notes
152	56F	HOBBS0005041	Handwritten medical notes
153	57	HOBBS005083	VDOC Internal Incident Report
154	57A	2_VDOC_000486 – 000491	MCTC Medical Cell Post Logbook
155	57B	HOBBS001195 – 001218	SCCH Med/Surg Inpatient Record, ED Notes - ED Notes
156	57C	HOBBS001171 – 001618	SCCH Med/Surg Inpatient Record
157	58	HOBBS001636-001642	SCCH ICU Inpatient Record ED Notes - ED Notes

158	58A	HOBBS005041	Handwritten medical notes
159	58B	HOBBS005048	VDOC Physicians Progress Notes (MCTC 36)
160	58C	2_VDOC_000427 – 000429	MCTC 1C Post Logbook
161	58D	2_VDOC_000492 – 000493	MCTC Transportation Logbook
162	58E	2_VDOC_000402	VDOC Officer's Log Sheet
163	58F	HOBBS005084 – 005087	VDOC Incident Report
164	77	E_VDOC_00023551	Emails with Everett Jones, Kimberly Olinger, Terry Richards, Anita Call, Bridgett Ford, Tammy Jones, William Fields
165	79	E_VDOC_00023571	Emails with Tammy R. Jones, Mark S. Amonette, Meredith R. Cary
166	82	E_VDOC_00023596 -00023597	Emails with Kimberly Olinger, Tammy Jones, Ann Horst, Cynthia Lester, James L. Brown, James Lee, Bridgett Ford, Corena Reedy
167	87	MCTC00197	Emails with Mark Amonette, Cynthia Lester
168	78	E_VDOC_00023520	Medical Transfer Request Form
169	80	E_VDOC_00023580	Emails with Ann Horst, Anita Call, Cynthia Lester, Daniel K. Roland, Tammy R. Jones, Corena McGhee
170	81	E_VDOC_00023588	Emails with Kimberly Olinger, James L. Brown, Jeffery C. Artrip, Corena McGheel Tammy R. Jones

171	91	2_VDOC_000685	VDOC Internal Incident Report
172	92	2_VDOC_000792	VDOC Written Complaint
173	93	2_VDOC_000806-11	VDOC Informal Complaint
174	93A	2_VDOC_000676	VDOC Internal Incident Report
175	94	2_VDOC_000716	VDOC Internal Incident Report
176	95	2_VDOC_000800	VDOC Written Complaint
177	98	VDOC002560-002565	MCTC Shift Commanders Office Post Logbook
178	99	VDOC002566-002570	MCTC SCO Post Logbook
179	100	VDOC002571-002576	MCTC SCO Post Logbook
180	101	VDOC002577-002586	MCTC SCO Post Logbook
181	102	VDOC002577-002586	MCTC SCO Post Logbook
182	103	VDOC002594-002599	MCTC SCO Post Logbook
183	104	VDOC002600-002609	MCTC Medical Cell Post Logbook
184	105	VDOC002610-002621	MCTC 1-B Post Logbook
185	106	VDOC002622-002633	MCTC 2-B Post Logbook
186	107	VDOC002634-002647	MCTC 2-B Post Logbook
187			Aerial Photos of MCTC
188			Defendant Anthony Kelly's Answer to Plaintiff's First

			Interrogatories and Requests Production of Documents
189			Defendant Joshua Jackson's Answer to Plaintiff's First Interrogatories and Requests Production of Documents
190			Defendant Gregory Plummer's Answer to Plaintiff's First Interrogatories and Requests Production of Documents
191			Defendant William Montgomery Answer to Plaintiff's First Interrogatories and Requests Production of Documents
192			Defendant Osborne Answer to Plaintiff's First Interrogatories and Requests Production of Documents
193		HOBBS008639- HOBBS008648	Grand Jury Testimony

***Exhibits Plaintiff May Offer if the Need Arises***

194	68	HOBSS006053- 006056	Virginia State Police Polygraph Unit Witness Examination
195	90	HOBBS008555- 008564	Affidavit of Ronald Danny West
196	160		Defendants' Jackson, Kelly, Montgomery, and Plummer's Expert Disclosures
197	161		William R. Oliver, MD report regarding the death and autopsy findings of Mr. Charles Givens
198	170		Defendants Jeffery Artrip and Travis S. Poston Rule 26(a)(2) Expert Disclosures

Plaintiff reserves the right to modify the foregoing list commensurate with the Court's orders. Plaintiff may also offer the following in her case: pleadings; any exhibit identified by a Defendant and not objected to; documents to be used for impeachment; summaries of records, charts, and timelines; demonstrative aids; and Plaintiff's Experts' Reports and any reference materials.

Respectfully submitted,

KYMBERLY HOBBS, ADMINISTRATOR  
OF THE ESTATE OF CHARLES JAMES  
GIVENS,  
DECEASED

By: /s/ Mark J. Krudys  
Counsel

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*Counsel for Plaintiff Kymberly Hobbs, Administrator of the Estate of Charles James Givens,  
Deceased*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 10th day of March 2025, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing all counsel of record.

/s/ Mark J. Krudys

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